

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

BRYAN P. BONHAM,

Plaintiff

v.

NEVADA DEPARTMENT OF  
CORRECTIONS, *et al.*,

Defendants.

Case No. 2:21-cv-01879-RFB-EJY

**ORDER**

**I. DISCUSSION**

On October 12, 2021, Plaintiff, an inmate in the custody of the Nevada Department of Corrections (“NDOC”), submitted a motion for preliminary injunction. ECF No. 1-1. Plaintiff has not submitted a complaint or an application to proceed *in forma pauperis* in this matter.

Under Federal Rule of Civil Procedure 3, “[a] civil action is commenced by filing a complaint with the court.” Fed. R. Civ. P. 3. To proceed *in forma pauperis* under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, which allows an inmate who seeks to commence a civil action without prepaying the full \$402 filing fee, the inmate must submit all three of the following documents to the Court:

(1) a completed **Application to Proceed in Forma Pauperis for Inmate**, on this Court’s approved form (i.e. pages 1 through 3 with the inmate’s two signatures on page 3),

(2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court’s approved form), and

(3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period.**

The Court will grant Plaintiff a **one-time** extension to file a complaint and a fully complete application to proceed *in forma pauperis* containing all three of the required documents, on or before **December 17, 2021**. Absent unusual circumstances, the Court will not grant any further extensions of time. If Plaintiff is unable to file a complaint and a fully complete application to proceed *in forma*

1 *pauperis* with all three required documents on or before **December 17, 2021**, this case will be subject  
 2 to dismissal without prejudice. Plaintiff is free to file a new case with the Court when Plaintiff is  
 3 able to file a complaint and acquire all three of the documents needed to file a fully complete  
 4 application to proceed *in forma pauperis*.

5 A dismissal without prejudice means Plaintiff does not give up the right to refile the case  
 6 with the Court, under a new case number, when Plaintiff is able to file a complaint and has all three  
 7 documents needed to submit with an application to proceed *in forma pauperis*. Alternatively,  
 8 Plaintiff may choose not to file an application to proceed *in forma pauperis* and instead pay the full  
 9 filing fee of \$402 on or before **December 17, 2021** to proceed with this case.

10 Despite the above, the Court is not clear whether Plaintiff intended to initiate a new case with  
 11 his motion for preliminary injunction (ECF No. 1-1) or whether he intended to file his motion for  
 12 preliminary injunction in Case No. 2:21-cv-01833-GMN-DJA, but forgot to add a case number to  
 13 his filing. If Plaintiff intended to file his motion for preliminary injunction in Case No. 2:21-cv-  
 14 01833-GMN-DJA, Plaintiff should file a motion with the Court asking the Court to refile his motion  
 15 in Case No. 2:21-cv-01833-GMN-DJA and voluntarily dismiss the instant case. If Plaintiff intended  
 16 to file his motion for preliminary injunction in a new case, he will need to file a complaint and an  
 17 application to proceed *in forma pauperis* or pay the full \$402 filing fee in this Case No. 2:21-cv-  
 18 01879-RFB-EJY on or before **December 17, 2021**.

## 19 **II. ORDER**

20 For the foregoing reasons, IT IS HEREBY ORDERED that the Clerk of the Court shall send  
 21 to Plaintiff the approved form for filing a 42 U.S.C. § 1983 complaint and instructions for the same.  
 22 The Clerk of the Court shall also send Plaintiff a copy of his motion for preliminary injunction.  
 23 (ECF No. 1-1).

24 IT IS FURTHER ORDERED that the Clerk of the Court shall send Plaintiff the approved  
 25 form application to proceed *in forma pauperis* by an inmate, as well as the document entitled  
 26 information and instructions for filing an *in forma pauperis* application.

1 IT IS FURTHER ORDERED that on or before **December 17, 2021**, Plaintiff shall do one of  
2 the following:

- 3 • File a Motion with the Court advising the Court that (i) he intended to file his Motion  
4 for Preliminary Injunction in Case No. 2:21-cv-01833-GMN-DJA, (ii) the Motion for  
5 Preliminary Injunction should be refiled in Case No. 2:21-cv-01833-GMN-DJA, and  
6 (iii) the present action should be dismissed; or
- 7 • Pay the full \$402 filing fee for a civil action (which includes the \$350 filing fee and  
8 the \$52 administrative fee); or
- 9 • File with the Court: (1) a completed **Application to Proceed in Forma Pauperis for**  
10 **Inmate** on this Court's approved form (i.e. pages 1 through 3 of the form with the  
11 inmate's two signatures on page 3), (2) a **Financial Certificate** properly signed by  
12 both the inmate and a prison or jail official (i.e. page 4 of this Court's approved form),  
13 and (3) a copy of the **inmate's prison or jail trust fund account statement for the**  
14 **previous six-month period.**

15 IT IS FURTHER ORDERED that, if Plaintiff does not comply with the terms of this Order  
16 and file a motion, pay the filing fee or file a complete application to proceed *in forma pauperis* on  
17 or before **December 17, 2021**, this case will be subject to dismissal without prejudice.

18 DATED this 18th day of October, 2021

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21 ELAYNA J. YOUCHAK  
22 UNITED STATES MAGISTRATE JUDGE  
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